

1995

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

ELECTORAL ACT 1992
ELECTORAL REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of

Rosemary Follett

Chief Minister

ELECTORAL REGULATIONS (AMENDMENT)

Explanatory Memorandum

The Electoral Regulations (Amendment) makes provision for the word "Declaration" to be printed or endorsed on declaration vote ballot papers so as to distinguish them from ordinary ballot papers. The Regulations are made under section 341 of the *Electoral Act 1992*.

Paragraph 180(2)(d) of the Electoral Act provides that a declaration vote is informal if it has not been dealt with at a preliminary scrutiny and has not been enclosed in the appropriate declaration envelope. This is a fraud control measure, intended to prevent ballot papers obtained as declaration votes being placed in ballot boxes and admitted to the count without being verified as admissible. (Declaration votes include postal votes and pre-poll votes as well as votes issued in polling places to electors whose names cannot be found on the rolls or whose names have been marked as having been issued with a vote.)

In order to distinguish declaration vote ballot papers from ordinary ballot papers it is necessary to endorse them so that they can be easily identified. Subsection 114(4) of the Electoral Act provides that the Regulations may specify headings to be printed or endorsed on ballot papers to be used for declaration voting. These Regulations provide that declaration ballot papers are to be printed or endorsed with the word "Declaration" above the words "Ballot paper". In practice, this word would be printed, stamped or handwritten on each declaration ballot paper before issue.

The Regulations are to commence on the day on which they are notified in the Gazette.